

**Central Administrative Tribunal
Principal Bench**

OA No.4533/2017

New Delhi, this the 22nd day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

N.P. Sharma Aged 55 years
S/o Late Sh. P.C. Sharma
Working as Dy. FA&CAO (on ad hoc basis)
Posted in Diesel Modernization Workshop, Patiala
Presently r/o Type-V, 55 DMW Railway
Colony No.1, Patiala-147003
Permanent R/o 4071, Joy Apartments
Sector 2, Dwarka, New Delhi. ... Applicant

(By Advocate: Mr. Yogesh Sharma)

Versus

1. Union of India through the Secretary
Ministry of Railway
Rail Bhawan, New Delhi.
2. The Joint Secretary (E)-II
Ministry of Railway, Railway Board
Rail Bhawan, New Delhi. ... Respondents

(By Advocate: Shri Amit Sinha)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:-

This OA is filed challenging the order passed by the Railway Board dated 06.12.2017 communicated to General Managers of all Indian Railways. Through the said order, the applicant and several others similarly

situated were reverted, in the light of the Order dated 16.11.2017 passed by the Patna Bench of this Tribunal in CP No.70/2017 in OA No.460/2015.

2. The applicant contends that the respondents have passed the order without even examining the relevant facts and simply by treating that the order in OA No.460/2015 is of general application, he has been reverted without issuing notice.

3. The respondents did not file any counter affidavit.

4. We heard the learned counsel for the parties.

5. The necessity for us to deal with the matter in detail is obviated on account of a recent development.

The Order in OA No.460/2015, passed by the Patna Bench of the Tribunal, was the subject matter of Civil Appeal No.9176/2018 before the Supreme Court. The principal question was about the application of the judgment of the Supreme Court in ***Union of India Vs. N.R. Parmar & Ors.*** (2012) 13 SCC 340, to the services in the Railways. Their Lordships took the view that the Railways are entitled to have their own set of rules, independent of the principle laid down in ***N.R.***

Parmar's case and that the rule which has since been amended, is also upheld. Other directions were also issued. In the light of this, the respondents need to examine the matter afresh.

6. We, therefore, dispose of the OA directing that it shall be open to the applicant to submit a representation to the respondents in the light of the judgment of the Supreme Court in Civil Appeal No.9176/2018, within 15 days from today. The respondents, in turn, shall pass orders thereon, within two months from the date of receipt of the representation. Till such time, the reversion order passed against the applicant, shall not take effect. There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/